

AO 245B (Rev. 9/00) Judgment in a Criminal Case  
Sheet 1

UNITED STATES DISTRICT COURT 2011 JAN 27 AM 8:41  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA

v.

Juan Ramon Perez-Mascurro

**JUDGMENT IN A CRIMINAL CASE**

(For Offenses Committed On or After November 1, 1987)

Case Number: 08-cr-02642-JAH-3

Ramona Rae Hallam

Defendant's Attorney

REGISTRATION NO. 10234298

☐

THE DEFENDANT:

☒ pleaded guilty to count(s) One and three of the fifteen-count indictment.

☐ was found guilty on count(s) \_\_\_\_\_

after a plea of not guilty.

Accordingly, the defendant is adjudged guilty of such count(s), which involve the following offense(s):

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Count Number(s)</u>
21:841(a)(1) and 846	Conspiracy to Distribute Methamphetamine and Heroin	1
18:1956(a)(2)(A); 18:1956(h)	Conspiracy to Launder Money	3

The defendant is sentenced as provided in pages 2 through 4 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s) \_\_\_\_\_

☒ Count(s) remaining

is ☐ are ☒ dismissed on the motion of the United States.

☒ Assessment: Ct1: \$100.00; Ct3: \$100.00 waived.

☒ No fine

☒ Property forfeited pursuant to order filed 5/5/2010, included herein.

IT IS ORDERED that the defendant shall notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant shall notify the court and United States Attorney of any material change in the defendant's economic circumstances.

January 24, 2011

Date of Imposition of Sentence

HON. JOHN A. HOUSTON

UNITED STATES DISTRICT JUDGE

08-cr-02642-JAH-3

DEFENDANT: Juan Ramon Perez-Mascurro

CASE NUMBER: **08-cr-02642-JAH-3****IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of

Ct1: Ninety months,

Ct3: Sixty months, concurrent to count 1.

- ☐ Sentence imposed pursuant to Title 8 USC Section 1326(b).
- ☐ The court makes the following recommendations to the Bureau of Prisons:

- ☐ The defendant is remanded to the custody of the United States Marshal.
- ☐ The defendant shall surrender to the United States Marshal for this district:
- ☐ at \_\_\_\_\_ ☐ a.m. ☐ p.m. ' on \_\_\_\_\_
- as notified by the United States Marshal.

- ☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:
- ☐ before \_\_\_\_\_
- ☐ as notified by the United States Marshal.
- ☐ as notified by the Probation or Pretrial Services Office.

**RETURN**

I have executed this judgment as follows:

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_

at \_\_\_\_\_, with a certified copy of this judgment.

UNITED STATES MARSHAL

By

DEPUTY UNITED STATES MARSHAL

**08-cr-02642-JAH-3**

DEFENDANT: Juan Ramon Perez-Mascurro  
CASE NUMBER: 08-cr-02642-JAH-3

### SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of:

Ct1: Five years,

Ct3: Three years, concurrent to count 1.

The defendant shall report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

*For offenses committed on or after September 13, 1994:*

The defendant shall not illegally possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter as determined by the court. Testing requirements will not exceed submission of more than 4 drug tests per month during the term of supervision, unless otherwise ordered by court.

- ☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- ☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.
- ☒ The defendant shall cooperate in the collection of a DNA sample from the defendant, if the collection of such a sample is authorized pursuant to section 3 of the DNA Analysis Backing Elimination Act of 2000, pursuant to 18 USC sections 3563(a)(7) and 3583(d).
- ☐ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution obligation, it is a condition of supervised release that the defendant pay any such fine or restitution that remains unpaid at the commencement of the term of supervised release in accordance with the Schedule of Payments set forth in this judgment.

The defendant must comply with the standard conditions that have been adopted by this court. The defendant shall also comply with any special conditions imposed.

### STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

08-cr-02642-JAH-3

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Sheet 4 — Special Conditions

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DEFENDANT: Juan Ramon Perez-Mascurro  
CASE NUMBER: 08-cr-02642-JAH-3

### SPECIAL CONDITIONS OF SUPERVISION

- ☐ Submit person, residence, office or vehicle to a search, conducted by a United States Probation Officer at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release; failure to submit to a search may be grounds for revocation; the defendant shall warn any other residents that the premises may be subject to searches pursuant to this condition.
- ☒ If deported, excluded, or allowed to voluntarily return to country of origin, not reenter the United States illegally and report to the probation officer with 24 hours of any reentry to the United States; supervision waived upon deportation, exclusion or voluntary departure.
- ☐ Not transport, harbor, or assist undocumented aliens.
- ☐ Not associate with undocumented aliens or alien smugglers.
- ☐ Not reenter the United States illegally.
- ☐ Not enter the Republic of Mexico without written permission of the Court or probation officer.
- ☐ Report all vehicles owned or operated, or in which you have an interest, to the probation officer.
- ☐ Not possess any narcotic drug or controlled substance without a lawful medical prescription.
- ☐ Not associate with known users of, smugglers of, or dealers in narcotics, controlled substances, or dangerous drugs in any form.
- ☐ Participate in a program of mental health treatment as directed by the probation officer, take all medications as prescribed by a psychiatrist/physician, and not discontinue any medication without permission. The Court authorizes the release of the presentence report and available psychological evaluations to the mental health provider, as approved by the probation officer. The defendant may be required to contribute to the costs of services rendered in an amount to be determined by the probation officer, based on the defendant's ability to pay.
- ☐ Take no medication containing a controlled substance without valid medical prescription, and provide proof of prescription to the probation officer, if directed.
- ☐ Participate in a mental health treatment program as directed by the probation office.
- ☐ Provide complete disclosure of personal and business financial records to the probation officer as requested.
- ☐ Be prohibited from opening checking accounts or incurring new credit charges or opening additional lines of credit without approval of the probation officer.
- ☐ Seek and maintain full time employment and/or schooling or a combination of both.
- ☐ Resolve all outstanding warrants within \_\_\_\_\_ days.
- ☐ Complete \_\_\_\_\_ hours of community service in a program approved by the probation officer within \_\_\_\_\_
- ☐ Reside in a Residential Reentry Center (RRC) as directed by the probation officer for a period of \_\_\_\_\_
- ☐ Reside in a Residential Reentry Center (RRC) as directed by the Bureau of Prisons for a period of \_\_\_\_\_ commencing upon release from imprisonment.
- ☐ Remain in your place of residence for a period of \_\_\_\_\_, except while working at verifiable employment, attending religious services or undergoing medical treatment.
- ☐ Not engage in any form of telemarketing, as defined in 18 USC 2325, without the written permission of the probation officer.
- ☐ Comply with the conditions of the Home Confinement Program for a period of \_\_\_\_\_ months and remain at your residence except for activities or employment as approved by the court or probation officer. Wear an electronic monitoring device and follow procedures specified by the probation officer. Pay the total cost of electronic monitoring services, or a portion if deemed appropriate by the probation officer.
- ☐ Participate in a program of drug or alcohol abuse treatment, including urinalysis testing and counseling, as directed by the probation officer. The defendant may be required to contribute to the costs of services rendered in an amount to be determined by the probation officer, based on the defendant's ability to pay.

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8 UNITED STATES DISTRICT COURT  
9 SOUTHERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA, ) Case No. 08cr2642-JAH  
11 Plaintiff, ) AMENDED ORDER OF  
12 v. ) CRIMINAL FORFEITURE  
13 JUAN PEREZ-MASCURRO (3), )  
14 Defendant. )  
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16 On February 22, 2010, this Court entered its Preliminary Order of Criminal Forfeiture,  
17 which condemned and forfeited to the United States all right, title and interest of JUAN  
18 PEREZ-MASCURRO (3) in the properties listed in the Forfeiture Allegation of the Indictment and  
19 Bill of Particulars, namely,

20 \$30,000 in United States currency seized from Alexander Mayorquin on July 10, 2008;  
21 \$27,534 in United States currency seized from Defendant's residence on July 10, 2008.

22 For thirty (30) consecutive days ending on March 27, 2010, the United States published on  
23 the Government's forfeiture website, [www.forfeiture.gov](http://www.forfeiture.gov), notice of the Court's Order and the  
24 United States' intent to dispose of the properties in such manner as the Attorney General may  
25 direct, pursuant to 21 U.S.C. § 853(n) and Rule G(4) of the Supplemental Rules for Admiralty or  
26 Maritime Claims and Asset Forfeiture Actions, and further notifying all third parties of their right  
27 to petition the Court within thirty (30) days of the final publication for a hearing to adjudicate the  
28 validity of their alleged legal interest in the properties.

On March 2, 2010, Notice of Order of Forfeiture was sent by certified mail as follows:

<u>Name and Address</u>	<u>Article No.</u>	<u>Result</u>
Elizabeth Perez 3472 Webster Avenue San Diego CA 92113	7007 2560 0001 9143 9293	Signed for as received on March 4, 2010
Raul Rodriguez-Orozco (2) c/o John Francis Kelly Attorney at Law 406 Ninth Avenue, Suite 303 San Diego CA 92101	7007 2560 0001 9143 9309	Returned by U.S. Postal Service on 3/18/10 marked "unclaimed"
Alexander Florencio Mayorquin (4) c/o Jeremy D. Warren Attorney at Law 105 West F Street, Fourth Floor San Diego CA 92101	7007 2560 0001 9143 9316	Signed for as received on 3/03/10
William Jesus Amezcua-Flores (5) c/o Oliver P. Cleary Attorney at Law 105 West F Street, Fourth Floor San Diego CA 92101-6036	7007 2560 0001 9143 9323	Signed for as received on 3/03/10
Michael Martin Perez (6) c/o Howard B. Frank, Esq. Frank and Milcher 136 Redwood Street San Diego CA 92103	7007 2560 0001 9143 9330	Signed for as received on 3/03/10
Teodoro Perez-Mascurro (7) c/o Bernard G. Skomal Attorney at Law 1010 Second Avenue, Suite 1850 San Diego CA 92110	7007 2560 0001 9143 9347	Signed for as received on 3/03/10

Thirty (30) days have passed following the final date of notice by publication, and no third party has made a claim to or declared any interest in the forfeited property described above.

Accordingly, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that, as a result of the failure of any third party to come forward or file a petition for relief from forfeiture as provided by law, all right, title and interest of JUAN PEREZ-MASCURRO (3) and any and all third parties in the following properties are hereby condemned, forfeited and vested in the United States of America:


\$30,000 in United States currency seized from Alexander Mayorquin on July 10, 2008;

\$27,534 in United States currency seized from Defendant's residence on July 10, 2008.

1 IT IS FURTHER ORDERED that costs incurred by the United States Marshals Service,  
2 the Drug Enforcement Administration and any other governmental agencies which were incident  
3 to the seizure, custody and storage of the properties be the first charge against the forfeited  
4 properties.

5 IT IS FURTHER ORDERED that the United States Marshals Service shall dispose of the  
6 forfeited properties according to law.

7 DATED: May 5, 2010

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10 JOHN A. HOUSTON  
11 United States District Court Judge  
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